

IN THE DISTRICT COURT OF THE UNITED STATES FOR THE
MIDDLE DISTRICT OF ALABAMA, NORTHERN DIVISION

UNITED STATES OF AMERICA)	
)	CRIMINAL ACTION NO.
v.)	2:15cr199-MHT
)	(WO)
ELDRICK DEON McNEAL)	

OPINION AND ORDER

This matter is before the court on the issue whether defendant Eldrick Deon McNeal has been restored to mental competency. In November 2015, the court ordered an evaluation of McNeal's competency, see United States v. McNeal, 2015 WL 7721211 (M.D. Ala. 2015), and later found him mentally incompetent to stand trial. See United States v. McNeal, 2016 WL 756570 (M.D. Ala. 2016). After competency-restoration efforts at the Federal Medical Center in Butner, North Carolina, a forensic psychologist there opined in March 2017 that McNeal was competent to stand trial, and McNeal was transferred to the county jail in Montgomery, Alabama, so that he could attend a hearing on whether his competency had, in fact, been restored.

However, while in jail and before the competency-restoration hearing could be held, McNeal wrote to the court a personal letter that reflected that his mental health might be significantly deteriorating, and an updated assessment was completed. Local psychologist David C. Ghostley found that McNeal is again "clearly incompetent to proceed to sentencing due to extreme paranoia." Forensic Psychological Evaluation (doc. no. 101) at 2.

It appears that McNeal may have mentally decompensated solely due to conditions specific to the Montgomery County Jail and that, if transferred to another facility, he might be restored. In particular, it appears that, while in the custody of the Montgomery County Jail and due to that jail's prescription policy, McNeal did not receive all medications prescribed to him by the Federal Medical Center in Butner, but that he would be able to receive all such medications at the nearby Lee County Jail. Accordingly, the government suggested, and counsel for McNeal agreed, that McNeal

should be immediately transferred to Lee County Jail to see if his mental state would improve. The court adopted the parties' recommendation.

The court will, therefore, continue the competency-restoration hearing, now set for May 18, 2017, for a short period of time to see whether McNeil's mental health will improve sufficiently, once he is transferred to the Lee County Jail and is placed back on all his needed medications.

* * *

Accordingly, it is ORDERED as follows:

(1) The evidentiary hearing on the issue of defendant Eldrick Deon McNeal's mental competence, now set for May 18, 2017, is continued to June 1, 2017, at 10:00 a.m., in the Frank M. Johnson Jr. United States Courthouse Complex, Courtroom 2FMJ, One Church Street, Montgomery, Alabama. In light of the recent decline in defendant McNeal's mental health, the parties should be

prepared to present expert testimony regarding his current competency to stand trial.

(2) The government and defense counsel shall provide for further local mental-health evaluation(s) of defendant McNeil and, on or before noon on May 31, 2017, shall file under seal a joint report on his current mental state, including his current competency to stand trial.

DONE, this the 11th day of May, 2017.

/s/ Myron H. Thompson
UNITED STATES DISTRICT JUDGE